

IN RE:	:	CHAPTER 13
THOMAS N KOUNAS	:	
aka Thomas Nick Kounas,	:	CASE NO. 1:17-bk-02473
Debtor	:	
	:	
THOMAS N KOUNAS	:	
aka Thomas Nick Kounas,	:	
Movant	:	
v.	:	
BANK OF AMERICA NA,	:	OBJECTION TO CLAIM # 4
Respondent/Claimant	:	

COMES NOW the Debtor, by and through attorney Dorothy L. Mott, Esquire and makes this Objection to Creditor's claim filed in the above-captioned bankruptcy proceeding, stating in support there of as follows:

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6. Without the required documentation attached to the claim, Debtor's counsel cannot ascertain whether the claim amount is correct; and which state's statute of limitations applies.

7. If the applicable statute of limitations is Pennsylvania, then the Respondent's claim may be beyond the statute of limitations for collection.

8. The Debtor believes that the claim is beyond the statute of limitations for collection and may be overstated, but without further documentation cannot determine the validity of the claim. The attachment to the proof of claim indicates that the last payment on the account was February 28, 2014; that the last transaction on the account was made on October 13, 2012 and the obligation was charged off on October 31, 2013. It seems improbable that the Debtor would have made a payment four months after the account was charged off.

9. Although the Claimant indicates that its claim is for principal only, Debtor believes that the amount includes interest, fees or other charges, which would require the Claimant to comply with Rule 3001(c)(2)(A) and provide a breakdown of the additional fees and charges.

10. The claim should be disallowed because the claim is beyond the statute of limitation for collections.

15. The Debtor has incurred attorney's fees in objecting to the claim and requests reimbursement from the Respondent.

16. Respondent should be required to pay attorney's fees and costs pursuant to Rule 3001(c)(2)(D),

WHEREFORE, the Debtor hereby requests that this Honorable Court enter an order

1. Disallowing and dismissing the claim; and
2. Precluding the Claimant from presenting the omitted information as evidence in any contested matter or adversary proceeding pursuant to Rule 3001(c)(2)(D)(i); and

3. Ordering Claimant to pay reasonable expenses and attorney's fees in the amount of \$675.00 pursuant to 3001(c)(2)(D)(ii) to Debtors' counsel within fourteen (14) days of the date of this order; or alternatively, scheduling a hearing on the requested fees.

Respectfully submitted,

/s/ Dorothy L. Mott

Dorothy L. Mott, Esquire
125 State Street
Harrisburg, PA 17101
717.232.6650 Tel
717.232.0477 Fax
doriemott@aol.com

**LOCAL BANKRUPTCY FORM 3007-1
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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THOMAS N KOUNAS	:	
aka Thomas Nick Kounas,	:	OBJECTION TO CLAIM # 4
Objector(s)	:	
	:	
BANK OF AMERICA NA,	:	
Respondent/Claimant	:	
	:	
	:	

TO: BANK OF AMERICA NA ("Claimant")

**NOTICE OF OBJECTION TO CLAIM AND DEADLINE TO REQUEST HEARING
DATE**

Thomas N Kounas has filed an objection to the proof of claim you filed in this bankruptcy case.

NOTICE: Your claim may be reduced, modified, or eliminated. You should read this notice and the objection carefully and discuss them with your attorney, if you have one.

If you do not want the court to enter an order affecting your claim, then on or before January 17, 2018, (30 days from the date of service), you or your lawyer must file a request for hearing or a written response to the objection explaining your position.

Those not permitted to file electronically must deliver any request for hearing or response by U.S. mail, courier, overnight/express mail, or in person at: (select the appropriate address)

Ronald Reagan Federal Building
228 Walnut Street Rm 320
Harrisburg, PA 17101

If you mail your request for hearing or response to the court, you must mail it early enough so the court will receive on or before the date stated above.

You must also send a copy of your request for hearing or response to:
Dorothy L. Mott, Esquire

Mott & Gendron Law
125 State Street
Harrisburg, PA 17101
717. 232.6650 Tel
717.232.0476 Fax
doriemott@aol.com

If you or your attorney do not take these steps, the court may decide that you do not oppose an order affecting your claim. Attorney for Objector

/s/ Dorothy L. Mott
Dorothy L. Mott Law Office, LLC
PA ID: 43568
125 State Street, Harrisburg PA 17101
717. 232.6650 Tel
717.232.0476 Fax
doriemott@aol.com

Date of Notice: December 18, 2017

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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Movant	:	
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BANK OF AMERICA NA,	:	OBJECTION TO CLAIM # 4
Respondent/Claimant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on December 18, 2017, I served a copy of the foregoing document(s) electronically or by placing the same in the United States Mail, First Class, postage pre-paid, addressed as follows on the following parties:

Name and Address	Mode of Service
CHARLES J DEHART, III ESQUIRE 8125 ADAMS DRIVE SUITE A HUMMELSTOWN PA 17036 dehartstaff@pamd13trustee.com	Electronically
BANK OF AMERICA NA P O BOX 982284 EL PASO, TX 79998-2238	First Class Mail, Postage Prepaid

I certify under penalty of perjury that the foregoing is true and correct.

Date: 12/18/2017

/s/Dorothy L Mott

Dorothy L Mott, Esquire
Atty ID #43568
Dorothy L. Mott Law Office, LLC
125 State Street
Harrisburg, PA 17101
(717) 232-6650 TEL
(717) 232-0477 FAX
doriemott@aol.com

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ORDER

UPON CONSIDERATION of the Objection to Proof of Claim filed by the Debtor, it is
hereby

ORDERED that the claim of the Respondent is disallowed and dismissed; it is further

ORDERED that the Claimant is precluded from presenting the omitted information as
evidence in any contested matter or adversary proceeding pursuant to Rule 3001(c)(2)(D)(i)